REMARKS/ARGUMENTS

Status of the Application

The Examiner is thanked for the Office Action dated September 21, 2007. In accordance with the Examiner's remarks regarding the Information Disclosure Statement, a Supplemental Information Disclosure Statement is attached hereto with the specified reference.

The status of the application is as follows:

- The specification stands objected to because the term "computer-readable medium" does not appear in the specification.
- Claims 1-9 and 11-18 were previously pending in the application. Claims 2-7 and 16 are cancelled by this Amendment. Of the remaining claims:
    - Claims 1,8, 9 and 11-15 stand rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.
    - Claims 1,8, 9 and 11-15, and 17 stand rejected under 35 USC 102(e) as anticipated by Crabtree.
    - Claim 18 stands rejected under 35 USC 103(a) as obvious over Crabtree in view of Huper-Graff.
- Claims 19-26 are added by this Amendment.

The objections and the rejection of these claims are discussed below.

The Objection to the Specification

The specification stands objected to as not containing the term "computer-readable medium" as set out in claim 16. The paragraph beginning on page 13, line 10 has been amended to reflect that the software or firmware would be stored on a computer readable medium, which would of course be understood by one of ordinary skill in the art upon reading and understanding the application as filed.

Withdrawal of the objection is requested.

The Objection to Claims 3 and 5

Claims 3 and 5 have been cancelled, thereby rendering the objection moot.

The Rejection of Claims 1-9 and 11-16 Under 35 U.S.C. 101

Claims 2-7 and 16 have been cancelled, rendering the rejection of these claims moot.

Regarding the remaining claims 1, 8, 9, and 11-15, the Office Action asserts that the claimed subject matter lacks a practical application of a judicial exception (law of nature, abstract idea, naturally occurring phenomenon) since it fails to produce a useful, concrete, and tangible result. Specifically, the Office Action asserts that the claimed subject matter does not produce a tangible result because the modification of a user profile remains in the abstract and fails to have real world value.

This contention is respectfully traversed.

First, it is submitted that the claimed invention, viewed as a whole, does not fall within a judicially created exception that bars patentability under 35 USC 101. More specifically, the present claim is directed to a method of providing a recommendation of content to a user. The various steps of the claims are closely intertwined with the real-world activities of a user who expresses various interest(s), and specifically require the modification of a user preference profile. Thus, the claimed invention when read as a whole cannot, in the first instance, be considered a mere abstract idea (such as a mathematical algorithm), natural phenomenon, or law of nature.

Second, it is submitted that the claimed invention produces a tangible result. The tangibility requirement does not require that the invention operate to change articles or materials to a different state or thing. Instead, tangibility requires that a process claim set forth a practical application to produce a real-world result.

In this case, the invention describes a practical application that produces a real world result - *a modified user preference profile.* That the claimed invention produces a real world result will be further appreciated with reference to the present specification, which describes the practical problems associated with the explosion of information and the development of recommenders that recommend content suited to the preferences of a user. The real world applicability of recommenders – and more specifically the user

profiles that are generally part of such systems – will certainly be appreciated by the Examiner should she use a recommender system in the course of her day-to-day life.

The Rejection of Claims 1-9 and 11-17 Under 35 U.S.C. §102(e)

Claims 2-7 and 16 have been cancelled, rendering the rejection of these claims moot.

Remaining claims 1, 8, 9 and 11-15, and 17 stand rejected under 35 U.S.C. §102(e) as being anticipated by Crabtree It is respectfully requested that this rejection be withdrawn, as Crabtree fails to disclose each and every element as recited in these claims.

Claims 1 and 17

Claim 1 includes, among other things, the steps of *recommending a number of preference content items associated with the temporary user preference profile and determining user preference values of the recommended content items, wherein the number of recommended content items depends on the determined user preference values.*

It is submitted that Crabtree fails to disclose at least the foregoing aspects of claim 1.

Claim 17 requires, among other things, a recommender processor operable to *recommend a number of preference content items associated with the temporary user preference profile and determine that other content items associated with the temporary user preference profile achieve high user preference values, wherein the number of recommended content items is determined in dependence on the determined user preference values.*

It is submitted that Crabtree fails to disclose at least the foregoing aspects of claim 17.

Dependent Claims

It is submitted that dependent claims 8, 9, 11-15, and 18 are directed to allowable subject matter at least by virtue of their dependency from their respective base claims.

Newly Added Claims

It is likewise submitted that newly added claims 19-26 distinguish patentably and non-obviously over the prior art of record.

Conclusion

In view of the foregoing, it is submitted that claims 1, 8, 9, 11-15, and 17-26 distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,
DRIGGS, HOGG & FRY CO., L.P.A.

John J. Fry, Reg. No. 35,873
Driggs, Hogg & Fry Co., L.P.A.
38500 Chardon Road
Willoughby Hills, Ohio 44094
Phone: 1.440.391.5100
Fax: 1.440.391.5101

Please direct all further correspondence to:
Yan Glickberg, Registration No. 51,742
Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff Manor, NY 10510
Phone: (914) 333-9608
Fax: (914) 332-0615